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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 NATIONAL LAWYERS' GUILD SAN
14 FRANCISCO CHAPTER, et al.,

15 Plaintiffs,

16 v.

17 U.S. DEPARTMENT OF HOMELAND
18 SECURITY, et al.,

19 Defendants.
20 _____/

No. C 08-5137 RS

**JOINT STATUS REPORT
AND STIPULATION TO STAY
PROCEEDINGS; AND ~~PROPOSED~~
ORDER**

21 WHEREAS, in an effort to narrow the issues before the Court,

22 1. The parties have entered into a series of stipulations to stay proceedings since April
23 24, 2009, to allow Defendants to conduct secondary searches and process potentially responsive
24 records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the
25 Court's intervention. On October 30, 2009, as a result of those negotiations, Plaintiffs stipulated that
26 they did not contest the adequacy of the searches performed by Defendants DHS, DHS-OIG, or
27 CIS, or the propriety of the withholdings made by DHS-OIG; accordingly, pursuant to Rule
28 41(a)(1)(A)(ii), the parties filed a stipulation of dismissal of this action with prejudice with respect

1 to those Defendants. Negotiations continued with respect to the remaining Defendants: CBP,
2 EOIR, and ICE. Most recently, on May 4, 2010, the Court approved the parties' stipulations (a) to
3 further stay proceedings through and including August 31, 2010; and (b) to submit a joint report
4 advising the Court on the status of negotiations and processing, and/or a stipulation proposing a
5 schedule to govern further proceedings, no later than August 31, 2010; and

6 2. EOIR has provided Plaintiffs with a letter describing the scope of its search and a
7 preliminary, partial Vaughn index explaining the bases for its withholdings. In response, Plaintiffs
8 have stipulated that they do not contest either the adequacy of the search performed by EOIR, or
9 the propriety of the withholdings made by EOIR; and

10 3. ICE has provided Plaintiffs with a letter describing the scope of its search and a
11 preliminary, partial Vaughn index explaining the bases for its withholdings. In response, Plaintiffs
12 have stipulated that they do not contest the adequacy of the search performed by ICE. With respect
13 to the withholdings made by ICE, Plaintiffs have responded with two objections and/or requests for
14 clarification, and the parties have conferred to discuss the propriety of those withholdings. Plaintiffs
15 are not yet prepared to stipulate to the propriety of those withholdings; however, further negotiation
16 may eliminate the need for judicial resolution of these issues; and

17 4. CBP has provided Plaintiffs with a letter describing the scope of its search and a
18 preliminary, partial Vaughn index explaining the bases for its withholdings; Plaintiffs have
19 responded with several objections and/or requests for clarification; and the parties have continued
20 to confer to discuss the scope of CBP's search and the propriety of its withholdings. Plaintiffs are
21 not yet prepared to stipulate to the adequacy of CBP's search or the propriety of its withholdings;
22 however, further negotiation may eliminate the need for judicial resolution of these issues; and

23 WHEREAS it would minimize litigation costs and conserve judicial resources to stay
24 further proceedings in this case to permit the above-mentioned negotiations to continue, and to
25 permit the parties to confer further as described above;

1 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through
2 undersigned counsel, subject to the approval of the Court, that:

- 3 1. Further proceedings in this case are stayed for a period of approximately 3 months
4 through and including November 30, 2010, and
- 5 2. No later than November 30, 2010, the parties shall submit a joint report advising the
6 Court on the status of the above-mentioned negotiations and/or a stipulation
7 proposing a schedule to govern further proceedings.

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1 Dated: August 25, 2010

2 Respectfully submitted,

3 /s/ Jayashri Srikantiah
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23 **SIGNATURE ATTESTATION**

24 In accordance with General Order 45(X), I hereby attest that I have obtained Jayashri
25 Srikantiah's concurrence in the filing of this document.

26 /s/ Eric B. Beckenhauer
27 ERIC B. BECKENHAUER

28 **~~[PROPOSED]~~ ORDER**

Pursuant to stipulation, **IT IS SO ORDERED.**

29 Dated: 8/27/10


RICHARD SEEBORG
United States District Judge